

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 23156 of 2007(F)

OS.206/2004 of MUNSIF COURT, PARAVUR

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PETITIONERS:

- 1. KARTHYAYANI, W/O RAMADIYIL KUMARAN,
RESIDING AT EALAKKAMPARAMBIL, CHITTATTUKARA,
VADAKKEKARA VILLAGE.**
- 2. SANTHOSH, S/O RAMADIYIL KUMARAN,
RESIDING AT EALAKKAMPARAMBIL, CHITTATTUKARA,
VADAKKEKARA VILLAGE.**
- 3. BINDHU, D/O RAMADIYIL KUMARAN,
RESIDING AT EALAKKAMPARAMBIL, CHITTATTUKARA,
VADAKKEKARA VILLAGE.**

**BY ADV. SRI.DINESH R.SHENOY
SRI.V.V.UNNIKRISHNAN**

RESPONDENTS:

- 1. REMANI, W/O CHANDRASEKHARAN,
PADINJAREKKOOTTIL, NAYARAMBALAM KARA,
NAYARAMBALAM VILLAGE.**
- 2. SOBHA, W/O SIVANANDAN,
PLACKAL HOUSE, KIZHAKKEPRAM MURI,
KOTTUVALI VILLAGE.**
- 3. RANI, W/O SANTHOSH,
VALLATTUTHARA, KOTTUVALLIKAD KARA,
MOOTHAKUNNAM VILLAGE.**
- 4. SREEDEVI, W/O AJITH,
PALAKKAPPILLY, PONNURUNNI MURI,
VYTTILA VILLAGE.**

5. VINODINI, W/O SAJEEVAN,
THEKKETHALACKAL, CHITTATTUKARA,
VADAKKEKARA VILLAGE.
6. VIJAYAN, S/O KARTHIKEYAN,
PARAMBUMMA PARAMBIL,
CHITTATTUKARA, VADAKKEKARA VILLAGE.
7. MOHANAN, S/O GOVINDAN,
KOLLAMPARAMBIL, CHARAKKATTU MURI.
8. NIRMALA, W/O SANALKUMAR,
HARI NIVAS, KATTUSSERY KARA,
ALATHUR VILLAGE.
9. JAYASREE, W/O GANGADHARAN,
SHYNE NIVAS, MUMBAD,
KIZHAKKUMCHERRY VILLAGE.
10. RAMADAS, S/O GOVINDAN,
KOLLAMPARAMBIL, CHITTATTUKARA,
VADAKKEKARA VILLAGE.
11. AMBIKA, W/O KOSHORELAL,
MANNALI HOUSE, THANDIPPADOM KARA.

BY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27 /07 /2007 , THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

M.N. KRISHNAN, J.
= = = = =
W.P.C. NO. 23156 OF 2007
= = = = =
Dated this the 27th day of July, 2007.

J U D G M E N T

This writ petition is filed challenging the order of the Munsiff, North Paravur by which he had dismissed the review applications. It is submitted by the learned counsel for the writ petitioners that as per the directions of this Court in CRP 86/07, DW1 was recalled and examined and the matter was posted for argument on 12.7.07. As the counsel appearing for the plaintiffs' was engaged in the Addl. District Court in O.S.1/07 there was a request to pass it over but the Munsiff recorded as nobody present and posted it for judgment on 21.7.07. It is submitted by the learned counsel that the matter stand posted for judgment tomorrow, i.e. On 28/7/07.

2. The matter is at the first Court, that is the trial Court, the parties are bound to examine the witnesses and arguments are to be placed before the Court for proper appreciation because it is the first Court on facts and findings

of the first Court of facts have great relevance and significance in further proceedings before other Courts. Suppose the counsel appearing for the party wants to argue the matter, opportunity should be given to argue the case by giving accommodation for two or three days. If time is granted and the matter is heard there will be satisfaction for the lawyers as well as for the litigants. So far as the parties are concerned it is their life and death and in certain cases parties will be litigating the case with all spirit as well. Therefore, when a counsel on the very same day files an application for review of the order so as to enable him to argue the matter, under ordinary circumstances, the Court should consider it favourably and allow the counsel to argue. Argument of a case on facts is very much material because only the counsel can point out the points which he relies in support of his case. So deprivation of such an opportunity will cause embarrassment to the parties. Therefore, I direct he Munsiff, North Paravur to reopen the case posted for

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judgment and hear the arguments of the learned counsel for the plaintiffs' and if the defendants' counsel wants to reply on that, hear them and dispose of the matter in accordance with law. The Munsiff shall pronounce the judgment only after hearing both sides as directed.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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